



COMMUNITY DEVELOPMENT DEPARTMENT, PLANNING DIVISION

17575 Peak Avenue Morgan Hill CA 95037 (408) 778-6480 Fax (408) 779-7236
Website Address: www.morgan-hill.ca.gov

MITIGATED NEGATIVE DECLARATION

I. DESCRIPTION OF PROJECT:

Date: August 28, 2009 **Application No.:** EA-08-17: W Dunne Ave – City of Morgan Hill

Project Title: West Dunne Ave Improvements

APN: Not Applicable (Public Right-of-Way)

Location of Project: The project location is along the existing and proposed public right-of-way of West Dunne Ave between Monterey Rd and Peak Ave.

Project Proponent: City of Morgan Hill
17575 Peak Ave
Morgan Hill, CA 95037

Project Description:

The project proponent, the City of Morgan Hill, proposes improvements to West Dunne Avenue right-of-way between Monterey Rd and Peak Ave (approximately 2,650ft in length) to improve safety and create a multi-modal roadway. The existing right-of-way includes one lane in each direction with varying pavement widths and the partial existence of curb and gutter varying on a property by property basis. The proposed project will expand the roadway width for a paved width of approximately 50-65 feet. The widths of improvements vary on a property by property basis.

The proposed improvements include the following along the roadway in various intensities and locations: roadway widening and striping; pedestrian access with sidewalks on both sides of the road including curb and gutter; a two way left turn lane; bike lanes in both directions; streetlights; storm drainage; signage; landscaping; relocation of utilities; and undergrounding of a substantial amount of overhead electric utilities. The improvements also include some re-grading where elevation changes

along the roadway will be modified to improve visibility and where retaining walls will be installed to improve the slope stability and integrity of areas adjacent to the roadway.

In addition to the above described roadway improvements project, this mitigated negative declaration can also be used for property acquisition activities associated with the project, as well as possible regulatory or code compliance approvals that may be required as a consequence of the proposed project. These include the reduction of front yard setback requirement for certain properties along West Dunne Avenue. This initial study identifies the potential environmental impacts and those standard measures or mitigation that avoids, minimizes, or mitigates the potential impacts to less than significant levels.

II. DETERMINATION

In accordance with the City of Morgan Hill procedures for compliance with the California Environmental Quality Act (CEQA), the City has conducted an Initial Study to determine whether the proposed project may have a significant adverse effect on the environment. On the basis of that study, the City makes the following determination:

- Although the project, as proposed, could have had a significant effect on the environment, there will not be a significant effect in this case because mitigation measures have been added to the project, and, therefore, a **MITIGATED NEGATIVE DECLARATION** is hereby adopted.

III. CONDITIONS (Mitigation and Avoidance Measures):

A. AIR QUALITY:

The proposed project shall include the following mitigation measure to reduce short term air quality impacts due to construction to less than a significant level:

The Bay Area Air Quality Management District (BAAQMD) has prepared a list of feasible construction dust control measures that can reduce construction impacts to less than significant level. The following construction practices shall be implemented during construction of the proposed project (**AIR-1**):

- Water all active construction areas at least twice daily.
- Cover all trucks hauling soil, sand, or other loose materials or require all trucks to maintain at least two feet of freeboard.
- Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets.
- Enclose, cover, water twice daily or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.).
- Install sandbags or other erosion control measure to prevent silt runoff to public roadways.

- Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites.

B. BIOLOGICAL RESOURCES:

The proposed project shall include the following mitigation measures to reduce biological resource impacts to a less than significant level:

Tree Protection Mitigations

Design Standards (BIO-1)

1. A Tree Protection Zone shall be established for trees to be preserved. No grading, excavation, construction or storage of materials shall occur within that zone. The Tree Protection Zones shall be defined as follows: **(BIO-1.1)**
 - i) For trees #435, 437, 448 and 475 the Tree Protection Zone shall be established at approximately 2' to the south (at the limit of the proposed grading), and at the dripline in all other directions.
 - ii) For trees #538 and 539 the Tree Protection Zone shall be established at the approximately 1' to the south (at the limit of the proposed grading), at the edge of the existing curb to the north and at the dripline to the east and west.
 - iii) For trees #507-508, 517 and 530, the Tree Protection Zone shall be established at approximately 5' to the north (at the limit of the proposed grading) and at the dripline in all other directions.
 - iv) For trees #507-508, 517 and 530, the Tree Protection Zone shall be established at approximately 5' to the north (at the limit of the proposed grading) and at the dripline in all other directions.
 - v) For trees #434, 436, 455, 456, 467, 470, 473 and 472, the Tree Protection Zone shall be established at approximately 5' to the south (at the limit of the proposed grading) and at the dripline in all other directions.
 - vi) For trees #434, 443, 461, 462 and 471, the Tree Protection Zone shall be established at approximately 10' to the south (at the limit of the proposed grading) and at the dripline in all other directions.
 - vii) For trees #457 and 460, the Tree Protection Zone shall be established at approximately 15' to the south (at the limit of the proposed grading) and at the dripline in all other directions.
 - viii) For all other trees, the Tree Protection Zone shall be established at the dripline.
2. Select temporary spoil storage areas to be as far from trees as possible. **(BIO-1.2)**
3. No underground services including utilities, sub-drains or sewer shall be placed within the Tree Protection Zone. **(BIO-1.3)**
4. Tree Preservation Notes should be included on all plans. **(BIO-1.4)**
5. Any herbicides placed under paving materials must be safe for use around trees and labeled for that use. **(BIO-1.5)**

6. No trenching either for irrigation or planting shall occur within the Tree Protection Zone. **(BIO-1.6)**

Pre-construction treatments **(BIO-2)**

1. Prior to the start of demolition, the Consulting Arborist shall meet with the contractors to review the location of tree protection fencing and work procedures. **(BIO-2.1)**
2. Fence or protect with hay bales all trees to completely enclose the Tree Protection Zone prior to demolition, grubbing or grading. Fences shall be 6 ft. chain link or orange plastic supported by posts driven into the ground. Fencing shall be placed at the edge of the Tree Protection Zone. Fences are to remain until construction is completed. **(BIO-2.2)**
3. Prior to starting any demolition or construction, have all trees to be preserved with portions of their crowns over the construction area pruned to provide clearance for construction equipment. All pruning shall be completed under the supervision of a Certified Arborist or Tree Worker and adhere to the Tree Pruning Guidelines of the International Society of Arboriculture. Tree pruning contractor must hold the C-61/D49 contractor's license. **(BIO-2.3)**

Protection during construction **(BIO-3)**

1. No grading, construction, demolition or other work shall occur within the Tree Protection Zone. Any modifications must be approved and monitored by the Consulting Arborist. **(BIO-3.1)**
2. Excavation within the driplines of trees #435, 437, 448 460, 470, 471, 538 and 539 shall be performed by hand, or using compressed air or water to expose roots 2" and larger in diameter. Prune all roots 2" in diameter and larger clean and square just beyond the limit of the excavation. Root pruning can be performed using a saw, a vibrating knife, rock saw, or other approved root pruning equipment. The Consulting Arborist shall be present for all root pruning. **(BIO-3.2)**
3. For all trees, but especially for #434-437, 448, 456, 470, 472, 506-508 and 538 and 539, careful excavation and root pruning shall be employed. Have the equipment operator work slowly and carefully through the top 3' of soil (below pavement). If they feel resistance, they need to stop excavating and inspect for roots 2" and larger in diameter. Expose all roots 2" in diameter and larger by hand to just beyond the limit of the excavation and prune clean and square. Root pruning can be performed using a saw, a vibrating knife, rock saw, or other approved root pruning equipment. The Consulting Arborist shall be present for all root pruning. **(BIO-3.3)**
4. If injury to the tree should occur to any tree during construction, it should be evaluated as soon as possible by the Consulting Arborist so that appropriate treatments can be applied. **(BIO-3.4)**
5. No excess soil, chemicals, debris, equipment or other materials shall be dumped or stored within the Tree Protection Zone. **(BIO-3.5)**

6. Any additional tree pruning needed for clearance during construction must be performed under the supervision of a Certified Arborist and not by construction personnel. **(BIO-3.6)**

A tree maintenance plan should be adopted as part of the project. Following completion of the project, the City of Morgan Hill should monitor tree health and stability. Application of treatments such as pruning, irrigation, mulch, pest management and fertilization may be required as part of a maintenance program. **(BIO-3.7)**

Mitigation Measures to Avoid Impacts to Nesting Raptors

1. Construction should be scheduled to avoid the nesting season to the extent feasible. The nesting season for most raptors in the South San Francisco Bay area extends from January through August. Therefore, if construction can be scheduled to occur between September and December, the nesting season would be avoided, and no impacts would be expected. If it is not possible to schedule construction outside of the breeding season, then the following mitigation measure should be implemented. **(BIO-4.1)**
2. Pre-construction surveys for nesting raptors should be completed by a qualified ornithologist or wildlife biologist to ensure that no nests would be disturbed during project construction. This survey should be completed no more than 14 days prior to the initiation of construction activities during the early part of the breeding season (January through April) and no more than 30 days prior to the initiation of these activities during the late part of the breeding season (May through August). During this survey, a qualified biologist should inspect all trees on and immediately adjacent to the impact areas for nests. If an active nest is found close enough to the construction area to be disturbed by these activities (250 feet), the ornithologist, in consultation with CDFG, should determine the extent of a construction-free buffer zone to be established around the nest. **(BIO-4.2)**
3. Trees on the project site should be removed during the non-nesting season after pre-construction surveys are completed to ensure that nesting raptors and/or their nests would not be adversely affected as a result of the project. **(BIO-4.3)**

C. CULTURAL RESOURCES:

The following mitigation measures will reduce vibration impacts to the sensitive structures (stone pillars and low rock retaining walls at 155 West Dunne Ave) to a less than significant level:

1. Identify feasible alternatives to the use of heavy construction equipment for demolition and construction within 25 feet of the pillars and retaining walls such as saw cut and removal of concrete (instead of jack-hammering) and slurry fill (for backfill material to eliminate/reduce required compaction for regular backfill material). **(CUL-1.1)**

2. Field monitor vibration levels while ground-disturbing construction is occurring within 25 feet of the pillars and retaining walls. Establish a vibration threshold of 0.2 in/sec. If levels of vibration exceed the threshold, alternative construction methods identified in Mitigation #1 would need to be implemented within a 25-foot distance of the pillars and retaining walls or minimum distance determined in the field to reduce vibration levels under the established threshold. **(CUL-1.2)**
3. Document, through photography and field notes, the stone pillars and retaining walls for their preconstruction and post construction conditions. Should damage occur, the stone pillars and retaining walls should be remediated to their preconstruction condition as feasible, while protecting the integrity and long-term sustainability of the structures. **(CUL-1.3)**

The following mitigation measures will minimize and avoid construction impacts due to the movement of construction equipment impacting the sensitive structures (stone pillars and low rock retaining walls at 155 West Dunne Ave) to less than significant levels:

1. Prior to the start of construction, contractor will create a "sensitivity zone" by installing temporary protection boundary (i.e. orange fencing; flagging; or signs/notices), around the pillars and retaining walls and control heavy construction equipment while working inside this zone. **(CUL-2.1)**
2. Prior to construction and after construction is completed, document, through photography and field notes, the stone pillars and retaining walls for their preconstruction and post construction conditions. Should damage occur the stone pillars and retaining walls should be remediated to their preconstruction condition as feasible, while protecting the integrity and long-term sustainability of the structures. **(CUL-2.2)**

The following mitigation measures will minimize and avoid construction impacts to the historic character defining features (at 45 & 65 West Dunne Ave) due to movement of construction equipment to a less than significant level:

1. Prior to the start of construction, contractor will create a "sensitivity zone" by installing temporary protection boundary (i.e. orange fencing; flagging; or signs/notices), around the trees and any other structural elements to control heavy construction equipment while working inside this zone (for 45 and 65 W Dunne Ave). **(CUL-3.1)**
2. Document, through photography and field notes, the walls, windows, and other sensitive architectural elements of the residences (for 45 and 65 W Dunne Ave) and character defining features such as walkways, trees, and other structures for their preconstruction and post construction conditions. Should damage occur, it should be remediated to its preconstruction condition as feasible, while protecting the integrity and long-term sustainability. **(CUL-3.2)**

D. *NOISE & VIBRATION:*

In order to reduce the construction noise impact to a less than significant level, the following

mitigation measure is recommended:

Construction activities shall be limited to the hours between 7:00 AM and 8:00 PM, Monday through Friday, and between the hours of 9:00 AM and 6:00 PM on Saturdays. No construction activities should occur on Sundays or federal holidays. In the event that construction activities are scheduled to occur outside of the defined time schedules, a minimum of 72 hour notice will be sent to all property owners directly affected by the construction activities. **(NOI-1)**

The Mitigation Measures found in the Cultural Resources section (3.5.2. 155 West Dunne Ave: Potential Impacts and Mitigation Measures) apply to this section as well and incorporation of those measures will reduce vibration impacts to sensitive structures to a less than significant level.

1. Identify feasible alternatives to the use of heavy construction equipment for demolition and construction within 25 feet of the pillars and retaining walls such as saw cut and removal of concrete (instead of jack-hammering) and slurry fill (for backfill material to eliminate/reduce required compaction for regular backfill material). **(NOI-2.1)**
2. Field monitor vibration levels while ground-disturbing construction is occurring within 25 feet of the pillars and retaining walls. Establish a vibration threshold of 0.2 in/sec. If levels of vibration exceed the threshold, alternative construction methods identified in Mitigation #1 would need to be implemented within a 25-foot distance of the pillars and retaining walls or minimum distance determined in the field to reduce vibration levels under the established threshold. **(NOI-2.2)**
3. Document, through photography and field notes, the stone pillars and retaining walls for their preconstruction and post construction conditions. Should damage occur, the stone pillars and retaining walls should be remediated to their preconstruction condition as feasible, while protecting the integrity and long-term sustainability of the structures. **(NOI-2.3)**

IV. FINDINGS:

The City of Morgan Hill Community Development Director hereby finds that the proposed project could have a significant effect on the environment; however, there would not be a significant effect in this case because mitigation measures summarized above and described in the initial study are included in the project.

Kathleen Molloy Previsich
Community Development Director

Date: _____

R:\PLANNING\WP51\Eaa\2008\EA-08-17 W.Dunne widening-City of MorganHill\EA0817 MND.doc